



RCE & IFN
PATENT
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Tsuneji Suzuki *et al.*) Group Art Unit: 1615
Application No. 10/049,666) Examiner: Gollamudi S. Kishore
Filed: February 15, 2002)
For: Pharmaceutical Agent Comprising a)
Benzamide Derivative as Active Ingredient)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop RCE
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22201

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a request for continued examination (RCE) under 37 C.F.R. § 1.114 of U.S. Application 10/049,666, filed February 15, 2002, entitled Pharmaceutical Agent Comprising Benzamide Derivative as Active Ingredient.

1. Please consider and enter the Amendment and Response Under 37 C.F.R. § 1.116 filed on April 30, 2004 in response to the Final Office Action dated December 30, 2003.
2. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	7	minus	22	0	\$18 each=	0.00
Independent Claims	1	minus	3	0	\$86 each=	0.00
First presentation of Multiple dependent claim					\$290.00	0.00
						Sub-total = 0.00
						Reduction by ½ for filing by a small entity 0.00
						Total Fee = \$0.00

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3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants do not believe an extension of time is required as a Notice of Appeal was filed on June 30, 2004 further extending the period for response to August 30, 2004. However, if Applicants have inadvertently overlooked the need for an

extension of time, please consider this a Petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.

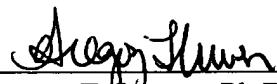
4. **Fee Payment:** The Commissioner is hereby authorized to charge **\$770.00** to Deposit Account No. 50-0310 for payment of the request for continued examination filing fee.
5. Please address all correspondence to:

Customer Number: 009629
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

6. **Constructive Petition:** **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Date: **August 25, 2004**
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Respectfully submitted,
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